

1 SENATE JOINT MEMORIAL 12

2 **49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

3 INTRODUCED BY

4 Clinton D. Harden

5  
6  
7  
8 FOR THE ECONOMIC AND RURAL DEVELOPMENT COMMITTEE

9  
10 A JOINT MEMORIAL

11 REQUESTING THE PUBLIC REGULATION COMMISSION TO CONSIDER EQUITY  
12 IN THE REGULATION OF TELECOMMUNICATIONS SERVICE PROVIDERS.

13  
14 WHEREAS, the New Mexico Telecommunications Act requires  
15 that the public regulation commission oversee public  
16 telecommunications services, including cable, wireless  
17 internet, voice over internet protocol and local exchange  
18 services, in New Mexico; and

19 WHEREAS, Qwest, a regulated provider, is required to seek  
20 approval before it can offer a special promotion or tariff to  
21 customers who return to Qwest after being a customer with a  
22 different company; and

23 WHEREAS, due to regulation by the public regulation  
24 commission, Qwest sometimes is not competitive in a market  
25 where most cable, wireless internet, voice over internet

.175013.1

underscored material = new  
[bracketed material] = delete

underscoring material = new  
[bracketed material] = delete

1 protocol and local exchange service providers are not  
2 regulated; and

3 WHEREAS, to date, there are more than fifty-five  
4 competitors for cable, wireless internet, voice over internet  
5 protocol and local exchange services in the state, none of  
6 which is required to submit regular reports on its services to  
7 the public regulation commission; and

8 WHEREAS, the New Mexico Telecommunications Act was passed  
9 twenty years ago to determine whether "effective competition"  
10 exists in the telecommunications marketplace; and

11 WHEREAS, most cable, wireless internet, voice over  
12 internet protocol and local exchange service providers are not  
13 regulated for pricing or service quality; and

14 WHEREAS, Qwest employs some eight hundred persons in New  
15 Mexico, and its employees brought more than seven hundred  
16 thirty-five thousand dollars (\$735,000) in benefits to New  
17 Mexico nonprofits in 2007 through contributions and volunteer  
18 time; and

19 WHEREAS, Qwest estimates that it is losing almost five  
20 thousand potential customers per month to unregulated  
21 providers;

22 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
23 STATE OF NEW MEXICO that the public regulation commission be  
24 requested to study whether to regulate other cable, wireless  
25 internet, voice over internet protocol and local exchange

.175013.1

underscoring material = new  
[bracketed material] = delete

1 service providers or to stop its regulation of Qwest; and

2 BE IT FURTHER RESOLVED that the public regulation  
3 commission poll a cross-section of New Mexico consumers and  
4 gauge their views as to whether Qwest should be regulated even  
5 though no other telecommunications service provider is  
6 regulated; and

7 BE IT FURTHER RESOLVED that a representative of the public  
8 regulation commission report the commission's findings and  
9 recommendations to the appropriate interim legislative  
10 committee by October 2009; and

11 BE IT FURTHER RESOLVED that copies of this memorial be  
12 transmitted to the public regulation commission and the  
13 governor.